



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,814	03/30/2004	Martin D. Ericsson	031287-024	2852
21839	7590	01/07/2008	EXAMINER	
BUCHANAN, INGERSOLL & ROONEY PC			STRIMBU, GREGORY J	
POST OFFICE BOX 1404			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22313-1404			3634	
NOTIFICATION DATE		DELIVERY MODE		
01/07/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com
debra.hawkins@bipc.com

Office Action Summary	Application No.	Applicant(s)	
	10/811,814	ERICSSON ET AL.	
Examiner	Art Unit		
Gregory J. Strimbu	3634		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 19 October 2007.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 12, 14 and 15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 12, 14 and 15 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. ____ .
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/19/07. 5) Notice of Informal Patent Application
6) Other: ____ .

Claim Rejections - 35 USC § 112

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation "the movable hinge shaft" on line 9 lacks antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art of figures 3 and 4 in view of Nyenbrink (US 4660324). The admitted prior art in figures 3 and 4 discloses an on-demand power-operating door apparatus comprising:

a supporting structure 12 forming a passage (not numbered, but shown in figure 4);

a door 14 mounted to the supporting structure by a hinge structure (not numbered, but shown in figures 3 and 4) defining a stationary vertical axis of rotation at the supporting structure, and a movable vertical axis of rotation at the door, the door

being swingable about the stationary and movable axes between a passage-closing position and a passage-opening position; and

a mechanism for opening and closing the door comprising:

a movable linkage 21 arranged to push against the door,
a force-applying mechanism comprising the motor 20 and the power spring (not numbered, but see paragraph 21, lines 9-12 of the instant application) connected to the linkage for moving the linkage from a first position shown in figure 3 to a second position shown in figure 4 corresponding respectively to the passage-closing and passage-opening positions of the door, and from the second position back to the first position, the force-applying mechanism including a switch-actuated motor 20 connected to the linkage for moving the linkage from the first position to the second position to push the door open, the door being manually swingable from the passage-closing position to the passage-opening position and being manually swingable to the passage-opening position regardless of the location of the linkage between the first and second positions thereof; and
a closer spring 19 for returning the door from its passage-opening position to its passage-closing position;

wherein the linkage is returnable by the force-applying mechanism from the second position to the first position with the door;

the power spring comprising a second closer spring, the closer spring being weaker than the power spring. The admitted prior art of figures 3 and 4 is silent concerning movement of the linkage independent of movement of the door.

However, Nyenbrink discloses a power operating door apparatus comprising a door 10, a mechanism for opening the door comprising a linkage 37 having a first end connected to a motor 31 and a second end 42, the door being manually swingable from a passage-closing position to a passage-opening position independently of the linkage because the second end 42 of the linkage 37 is not attached to the door.

It would have been obvious to one of ordinary skill in the art to provide the second end of the linkage 21 of the admitted prior art in figures 3 and 4 with a connection system, as taught by Nyenbrink, so that the door can be opened without having to drive the motor (see column 4, lines 1-4).

It should be noted that the modified linkage of the admitted prior art in figures 3 and 4 would be returned by the force-applying mechanism from the second position to the first position independently of the door since the power spring is attached to the output shaft of the motor 20.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in figures 3 and 4 and Nyenbrink, as applied to claims 12 and 15 above, and further in view of Catlett (US 3675370). Catlett discloses a balanced door 1 comprising hinge arms 13 and 14 having a first end thereof affixed to a vertical hinge shaft 12 defining a stationary vertical axis of rotation.

It would have been obvious to one of ordinary skill in the art to provide the admitted prior art, as modified above, with a vertical hinge shaft, as taught by Catlett, to provide for the stable and synchronous pivoting of the hinge arms as the door is moved between opened and closed positions.

Response to Arguments

Applicant's arguments filed October 19, 2007 have been fully considered but they are moot in view of the new grounds of rejection.

Conclusion

THIS ACTION IS NOT MADE FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gregory J. Strimbu
Primary Examiner
Art Unit 3634
December 21, 2007